

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 82-41

WASTE DISCHARGE REQUIREMENTS FOR:

International Disposal Corp. of California and Browing-Ferris Industries
Newby Island Class II-2 Solid Waste Disposal Site
San Jose, Santa Clara County

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter called the Board) finds that:

1. The Newby Island Improvement Co. and the San Jose Scavenger Company jointly submitted a Report of Waste Discharge for the Newby Island solid waste disposal site dated April 26, 1972. International Disposal Corp. of California (a wholly owned subsidiary of Browing-Ferris Industries, Inc.) hereinafter called the discharger, has since purchased Newby Island and now operates and maintains the site. On April 15, 1975 the Board adopted Order No. 75-22 for Newby Island.
2. A site evaluation for Newby Island has been submitted in the form of a report by Emcon Associates dated September 21, 1972, entitled, "Geotechnical Investigation and Waste Management Studies, Proposed Class II-1 Disposal Site, Newby Island, San Jose, California." Additional geotechnical information has been submitted in the report entitled "Stability Evaluation - Newby Island Sanitary Landfill" by Purcell, Rhodes and Associates, dated November 29, 1979. Leachate Control and Monitoring information was submitted in a report, entitled "Leachate Monitoring Plan for Deep Excavation", by Purcell, Rhodes and Associates, dated April 1982.
3. The Newby Island solid waste disposal site is located within the city limits of San Jose in Santa Clara County as shown in Attachment A and B, incorporated herein and made a part of this order. As shown in Attachment B the site is composed of two sections: the easterly section (#1) is the presently active portion of the landfill; and the westerly section (#2) is an area of proposed expansion. On July 15, 1975 the operator submitted a plan of operation for filling of the easterly section.
4. Newby Island was reclaimed from tidal marshland in the late 1800's by construction of a perimeter dike system. The island was in agricultural use as orchard and pasture land until filling commenced in 1930. The site was operated as an open burning dump until 1956, at which time the operation was converted to a modified sanitary landfill.

5. The site is on a low lying, flat portion of the Bay Plain bordering the southern limits of San Francisco Bay. Coyote Creek borders the site on the northeast. The area near the site includes alluvial cones and fans but the major portion of Newby Island is underlain by considerable thickness of clay soils. Granular, shallow stream channel deposits exist in the southern portion of the site at depths of approximately 8 to 20 feet. Part of this southern portion has previously been filled with group 2 solid waste materials. The only useable groundwater of significant quantity occurs at approximately 300 feet below the site below extensive clay deposits. Shallow perched water exists on the site at depths of 2 to 3 feet, but the water is of brackish quality.
6. The beneficial uses; of groundwaters near the site are domestic and industrial water supply; of the waters of Coyote Creek and San Francisco Bay are:
 - Habitat and resting for waterfowl and migratory birds
 - Fish Habitat
 - Recreation, including swimming
 - Navigation
 - Esthetic enjoyment
7. This disposal site meets the criteria contained in the California Administrative Code, Title 23, Chapter 3, Subchapter 15, for classification of the site as a Class II-2 disposal site to receive Group 2 waste and Group 3 wastes.
8. The Board adopted a Water Quality Control Plan for the San Francisco Bay Basin in April 1975 and this Order implements the water quality objectives stated in that plan.
9. The Board has notified the discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
10. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.
11. This Order authorizes the continued operation of a privately owned Class II-2 solid waste disposal site. Such activity constitutes only minor modifications to land and is thereby exempt from the provisions of the California Environmental Quality Act in accordance with Section 15104, Chapter 3 Title 14, California Administrative Code.
12. The U.S. Army Corps of Engineers has determined that approximately 3.9 acres of area #2 are navigable waters of the United States and therefore subject to a Corps Permit pursuant to Section 10 of the River and Harbor Act of 1899.

13. The Board finds that the proposed site expansion and discharge of waste into area #2 would be into a wetlands area and should therefore be subject to an NPDES Permit pursuant to Section 402 of the Clean Water Act. However, the Board does believe that the site can be filled if appropriate mitigation is provided

IT IS HEREBY ORDERED, that International Disposal Corp. of California, and Browning-Ferris Industries Newby Island Class II-2 Solid Waste Disposal Site and any other persons that shall own the land or operate this landfill shall comply with the following:

A. Prohibitions

1. The disposal of wastes shall not create a nuisance as defined in Section 13050(m) of the California Water Code.
2. Group 2 wastes shall not be placed in or allowed to contact ponded water from any source whatsoever, nor shall Group 2 wastes be disposed of in any position where they can be carried from the disposal site and discharged into waters of the State.
3. Group 1 wastes and hazardous wastes shall not be deposited or stored at this site.
4. Liquid Group 2 wastes or high moisture content Group 2 waste shall not be discharged, except at the expressed written approval of the Executive Officer.
5. The discharger shall remove and relocate any wastes which are discharged at this site in violation of these requirements.
6. Leachate from Group 2 wastes and ponded water containing leachate or in contact with refuse shall not be discharged to waters of the State.
7. The discharge of waste to those areas identified by the U.S. Army Corps of Engineers as subject to a Section 10 permit is prohibited until the Corps issues such a permit or the issue of fill to navigable waters of the United States is resolved to the satisfaction of the Executive Officer.
8. The disposal of wastes into area #2 is prohibited.

B. Specifications

1. Water used during disposal site operations shall be limited to a minimal amount reasonably necessary for dust control and fire suppression.
2. The disposal area shall be protected from any washout or erosion of wastes or covering material, and from inundation, which could occur as a result of a 100 year storm.

3. Surface drainage from tributary areas, and internal site drainage from surface or subsurface sources shall not contact or percolate through Group 2 wastes during disposal operation and for the active life of the site. The perimeter drainage ditches and all other facilities shall be designed to convey the 100 year storm runoff, and withstand differential settlement. These facilities shall be constructed over a natural ground or through lined channels or pipes.
4. For waste fill above the maximum level of regional groundwater vertical and lateral hydraulic continuity with usable groundwater shall be prevented by the presence of a natural clay barrier of at least 5 feet in thickness and a permeability of 1×10^{-6} cm/sec or less on the bottom and sides of disposal areas. If such a natural condition does not exist, an artificial barrier shall be constructed to meet the above specifications.
5. For waste fill below the maximum level of regional groundwater the deposited wastes shall be isolated from groundwaters by the construction of a leachate barrier and/or leachate collection system. Leachate levels shall be maintained below the level of regional groundwater at all times.
6. All abandoned wells located within the disposal area shall be sealed to the satisfaction of the California Department of Water Resources and the County Department of Public Health prior to discharging Group 2 wastes within 100 feet of any such wells.
7. As portions of the site are closed, the exterior surfaces shall be graded to a minimum slope of three percent in order to promote lateral runoff of precipitation and to minimize infiltration of precipitation. In addition, all completed disposal areas shall be covered with a minimum of three feet of uncontaminated material one foot of which is compacted to attain a permeability no greater than 1×10^{-6} cm/sec. A lesser thickness of final cover may be allowed by the Board upon demonstration that erosion control, percolation control, and coverage of refuse will not be adversely affected.
8. The migration of methane gas from the landfill area shall be controlled as necessary to prevent the creation of a nuisance.
9. The discharge of waste shall not cause the following conditions to exist in waters of the State at any place:
 - a. Surface Waters
 - . Floating, suspended, or deposited macroscopic particulate matter or foam;
 - . Bottom deposits or aquatic growths;

- Alteration of temperature turbidity, or apparent color beyond present natural background levels;
- Visible, floating, suspended or deposited oil or other products of petroleum origin.
- Toxic or other deleterious substances to be present in concentrations or quantities which will cause deleterious effects on aquatic biota, wildlife or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentrations.

b. Groundwater

The useable groundwater shall not be degraded as a result of the solid waste disposal operation.

10. The discharger shall insure that slope stability of this site is maintained under conditions generated during maximum probable earthquake.

C. Provisions

1. For the existing fill area (#1) the discharger shall comply with all prohibitions and specifications of this Order immediately upon its adoption, except for B.7, B.8 and B.10.
2. The discharger shall submit a technical report by December 15, 1982 documenting compliance with specification B.7 for those sections of area #1 which are completed or provide a detailed plan and time schedule for achieving compliance. Compliance shall be achieved by September 15, 1983.
3. The discharger shall comply with Specifications B.8 by submitting a plan with a time schedule by December 12, 1982 to monitor the migration of methane gas from this disposal site.
4. The discharger shall comply with Specification B.10. by submitting a slope stability analysis satisfactory to the Executive Officer which evaluates the current and proposed height and slope of the existing fill. This analysis shall be submitted no later than December 15, 1982. If the analysis indicates that existing slopes are unstable, the December 15, 1982 submittal shall include a plan and time schedule for eliminating the instability at the earliest possible date. A proposal describing the procedures to be used in the analysis shall be submitted by September 1, 1982.
5. The discharger shall submit to the Board site closure plans for the existing fill area #1 by December 15, 1982. This plan shall conform to this Board's Resolution 77-7 and the State Water Resources Control Board closure requirements contained in Section 2553.1 and 2553.2 of the California Administrative Code.

6. Reports submitted pursuant to Provisions C.2., C.3., C.4., and C.5. shall be prepared under the supervision of a registered engineer or certified engineering geologist.
7. The discharger shall file with this Board a report of any material change or proposed change in the character, location or quantity of this waste discharge. For the purpose of these requirements, this includes any proposed change in the boundaries, contours or ownership of the disposal area(s).
8. The discharger shall maintain a copy of this Order at the site so as to be available at all times to site operating personnel.
9. This Board considers the property owner and site operator to have a continuing responsibility for correcting any problems within their reasonable control which arise in the future as a result of this waste discharge or water applied to this property during subsequent use of the land for other purposes.
10. The discharger shall file with the Board technical reports on self-monitoring work performed according to the detailed specifications contained in any Monitoring and Reporting Program which may be directed by the Executive Officer.
11. The discharger shall permit the Regional Board:
 - (a) Entry upon premises on which waste are located or in which any required records are kept,
 - (b) Access to copy any records required to be kept under terms and conditions of this Order,
 - (c) Inspection of monitoring equipment or records, and
 - (d) Sampling of any discharge.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on June 16, 1982.

FRED H. DIERKER
EXECUTIVE OFFICER

Attachments:
A & B